



EX PARTE OR LATE FILED

**North American
Broadcasters Association**

P.O. Box 500, Station A
Toronto ON Canada M5W 1E6

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JUL - 5 2000

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ORIGINAL

July 5, 2000

Margalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington D.C. 20554

Re: Notification of Ex Parte Presentation in MM Docket No. 00-39

Dear Ms. Salas:

Pursuant to the rules of the Federal Communications Commission, we are enclosing five copies of the attached letter for inclusion in the record for the docket listed above. Under separate cover, the attached letter has been delivered to Chairman Kennard and Commissioners Ness, Powell, Furchtgott-Roth and Tristani.

If we can provide any additional information concerning this communication, please feel free to contact us.

Sincerely,

William D. Roberts
for William D. Roberts
Secretary-General

M de Kerckhove
Marnie de Kerckhove
Executive Director

No. of Copies rec'd 07
List A B C D E

Full Members: ABC, Inc. • Canadian Broadcasting Corporation/Société Radio-Canada (CBC/SRC) • CBS Corporation • CTV Inc.
• Discovery Communications Inc. • NBC, Inc. • National Public Radio (NPR) • Public Broadcasting Service (PBS) • Televisa S.A. de C.V.
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The Honorable William E. Kennard
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: MM Docket No. 00-39

Dear Chairman Kennard,

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Broadcasters have been distributing digital signals already for over two years, yet the number of consumers who can view these digital broadcasts remains insignificant. The lack of interoperability of digital television sets with cable systems and digital devices like VCRs is a factor which may have lead to the lower than anticipated rate of consumer purchases of television sets and set-top boxes capable of receiving digital signals. Poor indoor reception, combined with the fact that some buildings and even neighborhoods prohibit external antennas for cosmetic reasons, also may have deterred consumers from making the transition to digital.

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The Honorable William E. Kennard
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page 2

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Broadcasters are only one of the many entities that must be involved in the transition to digital television, to make this transition successful. Others include consumers, cable companies and manufacturers of television sets and set-top boxes.

Consumers must be given incentives to purchase digital television sets, otherwise the transition will be pointless due to the lack of audience. So far, the Commission's call for voluntary agreements for standards from cable companies and manufacturers has been unproductive in terms of establishing concrete steps to advance the transition to digital broadcasting. To be encouraged to convert to digital television, consumers need assurances that digital television sets will be capable both of receiving digital cable and of working in conjunction with other digital devices like VCRs. The Commission can provide these assurances by setting minimum industry standards.

NABA understands that the Commission in the past has refrained from establishing receiver requirements, so as not to interfere with market forces. On the other hand, considering the low purchase rate of digital television sets and set-top boxes, the absence of a DTV receiver on the market that will work with digital cable, and the lack of plans for one in the near future, the adoption by the Commission of baseline interoperability and performance standards is necessary to jump start the market and transition to digital television from the viewers' end. As NAB noted in its reply comments, this transition to digital broadcasting did not evolve from the marketplace, but was imposed onto the market via Congressional timelines.¹ By instilling consumer confidence in digital television, minimum standards would facilitate rather than interfere with the development of a competitive marketplace. Manufacturers would be able to compete on the basis of performance, functionality and added features.

The *All Channel Receiver Act* gives the Commission the authority to mandate baseline requirements so that viewers can receive all of the frequencies allocated by the Commission.² When the Act was enacted, digital television may not have been foreseen, but the reference to "all frequencies" in section 303 indicates that the Act should apply to frequencies carrying a digital signal.

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The Honorable William E. Kennard
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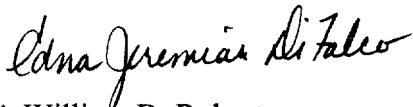
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It has been argued that requiring television sets to accommodate both the NTSC and DTV modes of transmission would result in an increase in retail prices of television sets. NABA recognizes that if implemented, the above recommendations to the Commission may lead to an increase in costs of television sets. However, as sales of digital television augment, and mass production unfolds to meet demand, prices would decrease. Moreover, any increase in cost would be offset by the advantages derived from digital television and from the freeing of the NTSC channels for public use that presently are tied up by broadcasters.

On behalf of our members, we ask the Commission to adopt the measures needed to make the transition to digital television a reality. Thank you for the opportunity to comment in this matter.

Respectfully submitted,


for William D. Roberts
Secretary-General


Marnie de Kerckhove
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Commissioner Susan Ness
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

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Commissioner Ness

July 5, 2000

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NABA understands that the Commission in the past has refrained from establishing receiver requirements, so as not to interfere with market forces. On the other hand, considering the low purchase rate of digital television sets and set-top boxes, the absence of a DTV receiver on the market that will work with digital cable, and the lack of plans for one in the near future, the adoption by the Commission of baseline interoperability and performance standards is necessary to jump start the market and transition to digital television from the viewers' end. As NAB noted in its reply comments, this transition to digital broadcasting did not evolve from the marketplace, but was imposed onto the market via Congressional timelines.¹ By instilling consumer confidence in digital television, minimum standards would facilitate rather than interfere with the development of a competitive marketplace. Manufacturers would be able to compete on the basis of performance, functionality and added features.

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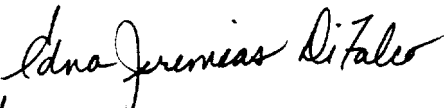
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for William D. Roberts
Secretary-General


Marnie de Kerckhove
Executive Director

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July 5, 2000

Commissioner Harold W. Furchtgott-Roth
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: MM Docket No. 00-39

Dear Commissioner Furchtgott-Roth,

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Commissioner Furchtgott-Roth
July 5, 2000
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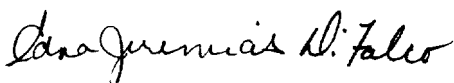
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Secretary-General


Marnie de Kerckhove
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Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: MM Docket No. 00-39

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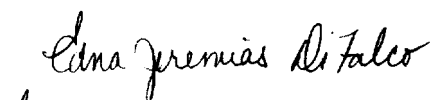
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for William D. Roberts
Secretary-General


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Executive Director

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